

REMARKS

In the Office Action dated June 26, 2006, all of claims 1-17 were rejected. In this Amendment, claim 7 was canceled and all remaining claims (1-6 and 8-17) have been amended. Claims 1-6 and 8-17 are pending after entry of this Amendment. No new matter is presented by entry of this Amendment.

Applicants have carefully reviewed the arguments presented in the Office Action and respectfully request reconsideration of the claims in view of the foregoing amendments and remarks presented below.

Rejections under 35 U.S.C. § 102 and § 103

Claims 1-10 and 13-17 were rejected under 35 U.S.C. § 102(b) as being anticipated by Georgi et al., US 5,096,385 (hereinafter "Georgi"). This rejection is respectfully traversed since Georgi fails to teach each in every element of independent claims 1 and 9. Applicant has specifically recited in the independent claims the step of "sampling pressure . . . within an infusion line connecting the fluid container with . . . a fluid movement mechanism," and apparatus of "a pressure sensor . . . disposed at a location between the container and the pumping mechanism." The Georgi pressure sensor 78 is downstream of the pump and is not between the container 60 and the pumping mechanism 68 (see FIG. 9 and column 1, lines 56-57). Therefore, this limitation of the claims is not met thereby leaving a rejection under 35 U.S.C. § 102(b) without basis.

The above is also significant in regard to the 35 U.S.C. § 103 rejections since not only does Georgi not sense pressure at the location claimed by applicant, but Georgi also does not teach how to determine when a container is empty, as applicant teaches and claims. Instead, Georgi teaches only how to identify an upstream occlusion (see Georgi's title, abstract, and numerous other places including column 1, lines 50-56). Detecting an upstream occlusion is very different from detecting the emptying of a container. Determining if a container has emptied is important for keeping air out of the line as discussed by applicant at page 2, paragraph 0005 of the application as filed.

None of the references cited by the Office, alone or in any combination, disclose, teach, or even suggest the combinations claimed by applicant in all claims herein.

Because of the above claim amendments and the differences as recited immediately above in the remarks section, applicant submits that all pending claims are patentable. Applicant believes that no fee is due for this amendment other than for a request for an extension of time, which accompanies this document. However, if in fact a fee is due or another extension of time, applicant requests that the Commissioner consider this a request for the additional extension of time to have this paper entered and the Commissioner is authorized to charge Deposit Account No. 06-2425 for that fee.

Respectfully submitted,
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